

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

FILED
U.S. DISTRICT COURT
NORTHERN DIST. OF TX.
FT. WORTH DIVISION

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CLERK OF COURT

AMERICAN AIRLINES, INC.

Plaintiff,

vs.

GOOGLE, INC.

Defendants.

CIVIL ACTION NO. ~~4:07-487-A~~

4:07-CV-487-A

**DEFENDANT GOOGLE, INC.'S UNOPPOSED MOTION TO ENLARGE PAGE
LIMITATIONS**

Comes now Defendant Google, Inc. ("Google") and files this Motion to Enlarge Page Limitations and in support thereof would state as follows:

Google respectfully requests permission to exceed the twenty-five (25) page limit under local rule 7.2(c) . Despite every effort to comply with the twenty-five (25) page limit, Google's response is 30 pages in length. The response is attached hereto as Exhibit "A". American Airlines is not opposed to this motion.

In Plaintiff American Airline's ("AA") Second Motion to Compel, AA raises numerous discovery issues ranging from noncompliance with Court orders, spoliation of evidence, and failure to respond sufficiently to over twenty separate discovery requests. Google should be given a full opportunity to defend itself against these serious and myriad charges. To do so, Google was required to provide detailed factual information about the scope of the discovery in this case and Google's production; as well as the parties' extensive history to meet and confer over these issues. This difficulty is also evidenced by the complexity of the discovery and the sheer volume of discovery that has already been produced. Google therefore devotes significant

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space in its response refuting the numerous unsupported conclusory allegations made in AA's motion.

Because AA made numerous unsupported assertions, Google was required to devote multiple pages of its response pointing out to the Court the full record of evidence that refutes them. For example, Google had to devote five pages of its response demonstrating how its complied with the Court's order of June 16, 2008, and how the Court's order does not provide AA access to all of Google's e-mail systems and other databases from which Google has already produced responsive information. In its motion, AA claims it is entitled to unlimited and unsupervised access to Google's databases. Google devoted approximately 3 pages of its brief explaining how it is in fact providing access to certain databases while ensuring AA does not divert or harm any third-parties accounts or the databases themselves and does not access irrelevant information over which third-parties have a valid right of privacy. Additionally, Google devoted approximately two pages of its brief demonstrating the fact that without any reasonable limitations imposed by Google, there would be no way to protect irrelevant third-party confidential information and if the court were to grant AA unlimited access to these databases, it would threaten third-party private account information.

In its motion, AA claims that Google intentionally destroyed responsive documents. In its response, Google devoted 6 pages detailing how AA's motion mischaracterizes the relevant testimony, misleadingly quotes testimony or misstates relevant facts to support this spurious claim. Additionally, Google dedicated approximately a page and a half marshaling evidence from numerous sources to show that based on Google's normal retention practices, it is unlikely that any material information was destroyed.

In its motion, AA moved to compel production of documents on numerous requests about which it has never met or conferred or provided no argument or authorities in its motion to support its discovery requests. Google therefore had to explain in detail in various sections of its response how AA's failure to meet and confer on these requests had prevented the parties from resolving differences about the scope of AA's discovery without court intervention and denied Google the opportunity to respond to AA's concerns short of filing its motion.

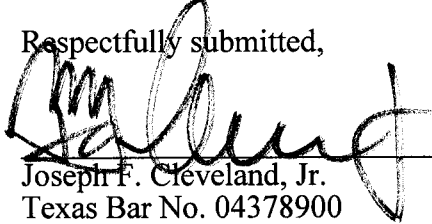
In its motion, AA also sought an order compelling further responses to requests for "broad match" data. Google used three pages of its brief to explain how it has produced and made available to AA the "broad batch" data it now possesses, that correlates search terms to key words for the advertisers at issue. Google spent an additional page and a half of its brief explaining how it has produced and will continue to produce documents to provide an explanation of the technology at issue. Google spent a page explaining how it had already notified AA that the key word tool data AA demands does not even exist. Google's spent an additional page and a half discussing how it produced all relevant information, and it is producing all relevant information about AA's competitors responsive to certain requests. In its response, Google also had to spend approximately one page illustrating how it has produced its trademark studies and documents about the appearance of its ads and will continue to do so to the extent any further such documents exist. In various points of its response, Google set out in detail ways in which Google has in good faith, responded to AA's discovery requests.

Because of the numerous arguments in AA's motion, discussion of these issues cannot be confined to the Court's twenty-five (25) page limit. Given the complexity of these issues, and the magnitude of this case, each of these issues deserved to be responded to fully. Google deserves the right to fully brief all of these serious accusations AA has made against Google so

that the Court may make an informed and just decision based on the record and authorities that have been provided.

For the reasons state, Google requests that this Court grant their motion to enlarge page limitation and enter such other and further leave which Google may show itself justly entitled.

Respectfully submitted,



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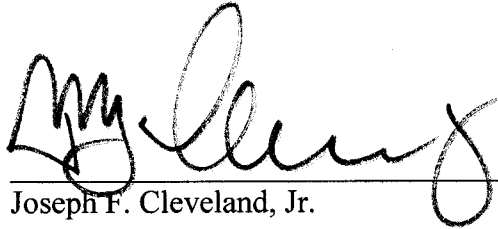
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CERTIFICATE OF CONFERENCE

The undersigned counsel for Defendant Google, Inc. conferred with counsel for Plaintiff American Airlines, Inc. regarding the Foregoing Motion to Enlarge Page Limitations. Counsel for American indicated American does not oppose the Motion.



Joseph F. Cleveland, Jr.

CERTIFICATE OF SERVICE

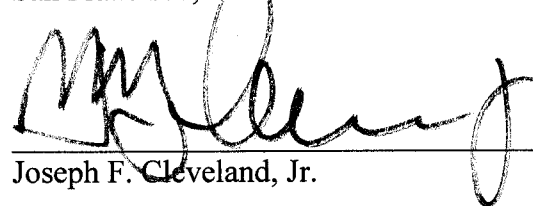
I certify that a true and correct copy of the foregoing was delivered on this ____ day of July, 2008, to Plaintiff's counsel, as follows:

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GOOGLE, INC.,

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Civil Action No. 4-07-CV-487-A

**DEFENDANT GOOGLE INC'S OPPOSITION
TO PLAINTIFF'S SECOND MOTION TO COMPEL**

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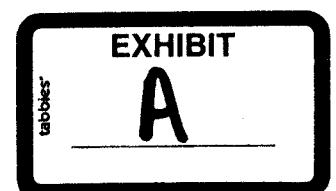


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